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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL STAMP NO.21674 OF 2025**

The State of Maharashtra ... Appellant
V/s.
Suraj Ashok Thombare ... Respondent

**WITH
INTERIM APPLICATION NO.4038 OF 2025
IN
CRIMINAL APPEAL STAMP NO.21674 OF 2025**

The State of Maharashtra ... Applicant
V/s.
Suraj Ashok Thombare ... Respondent

Mr. S. R. Agarkar APP for the Appellant-State.

**CORAM : BHARATI DANGRE &
SHYAM C. CHANDAK, JJ.**

DATE : 17th NOVEMBER, 2025

PC:-

INTERIM APPLICATION NO.4038 OF 2025

1) Heard Mr.Agarkar, learned A.PP for the Respondent-State.

The Application seek condonation of 147 days delay in filing the Appeal being aggrieved by the impugned order dated 9/04/2025 passed by the Special Judge (Under MCOC Act) releasing the Applicants on bail. On hearing Mr.Agarkar, learned A.PP. and on finding that the delay is merely procedural, we deem it appropriate to condone the same.

2) Interim Application No.4308 of 2025 is made absolute in terms of prayer clause (b).

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3) Heard Mr. Agarkar, learned A.P.P. for the Appellant-State.

The State has raised a challenge to the common order passed below Exh.114 and 129 by the Special Judge (Under MCOC Act) and Additional Sessions Judge, Pune in Special (MCOC) Case No.521 of 2021, when the Bail Applications filed by two accused Suraj Ashok Thombare and Shubham @ Badshah Deepak Pavale under Section 21 of the MCOC Act were granted and the Court directed their release on bail. On hearing Mr.Agarkar, learned A.P.P., we have perused the impugned order placed on record.

The order appreciated the contention advanced that, no case under Section 307 of the I.P.C. was made out against them and that the provisions of MCOC Act are wrongly invoked. It was also further contended before the Court that there was no direct or indirect or even circumstantial evidence against the Applicants and not a single incident or act on behalf of them was pointed out justifying their involvement in the Organised Crime Syndicate.

The Application was opposed on the basis of a statement of an eye witness and the fact that seizure of the weapons from the co-accused and reliance was also placed upon one confessional statement.

As a rejoinder, it was submitted that there was nothing

recovered from the accused persons but there was only reference to their presence on the spot without any overact being pointed out.

4) The learned Judge also took into consideration the submissions that the accused Suraj was incarcerated since 2/06/2021 and the High Court had released the co-accused on bail and his role as compared to the said accused, was lesser than the one who was released on bail. On appreciating the rival contentions and the evidence that was discussed by the High Court in the order granting bail to the co-accused, the Special Judge was persuaded to secure the release of the Applicants on bail, finding that by a clear recording that prima facie there is no evidence against the Applicants that they had assaulted the informant and even the High Court had observed the same and released the co-accused on bail.

Moreover, recording that the Applicants are behind bar for more than four years and the trial is yet to commence and therefore the ground of long incarceration also persuaded the learned Judge to release them on bail. We do not find any legal infirmity or any error in recording of the observations which were restricted for the purpose of grant of bail. Finding no merit and substance in the Appeal which raised a challenge to said order, the Appeal is dismissed.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)